United States District Court Southern District of Texas

## **ENTERED**

January 12, 2021 Nathan Ochsner, Clerk

## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

TOTAL SAFETY U.S., INC., ET AL.,

Plaintiffs.

VS.

CIVIL ACTION NO. 4:19-CV-03836

CODE RED SAFETY & RENTAL, LLC,

ET AL.,

Defendants.

## ORDER ADOPTING MAGISTRATE JUDGE'S MEMORANDUM AND RECOMMENDATION

On July 6, 2020, all non-dispositive pretrial matters in this case were referred to United States Magistrate Judge Andrew M. Edison pursuant to 28 U.S.C. § 636(b)(1)(A). Dkt. 72. On December 21, 2020, Judge Edison filed a Memorandum and Recommendation (Dkt. 147) recommending that Defendant Justin Massengale's Motion for Partial Summary Judgment on Breach of Contract Claim Based on the Unit Grant Agreement (Dkt. 115) be **GRANTED**.

On January 4, 2021, Plaintiffs Total Safety U.S., Inc. and Sprint Safety, Inc. filed their objections. In accordance with 28 U.S.C. § 636(b)(1)(C), this Court is required to "make a de novo determination of those portions of the [magistrate judge's] report or specified proposed findings or recommendations to which objection [has been] made." After conducting this de novo review, the Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." *Id.*; *see also* FED. R. CIV. P. 72(b)(3).

The Court has carefully considered the Objections; the Memorandum and Recommendation; the briefing; and the record. The Court ACCEPTS Judge Edison's Memorandum and Recommendation and ADOPTS it as the opinion of the Court. It is therefore ORDERED that:

- (1) Judge Edison's Memorandum and Recommendation (Dkt. 147) is **APPROVED AND ADOPTED** in its entirety as the holding of the Court; and
- (2) Defendant Justin Massengale's Motion for Partial Summary Judgment on Breach of Contract Claim Based on the Unit Grant Agreement (Dkt. 115) is **GRANTED**.

It is so **ORDERED**.

SIGNED and ENTERED this 11th day of January, 2021.

GEORGE C. HANKS, JR. UNITED STATES DISTRICT JUDGE